

7/21/93



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 21 1993

MEMORANDUM

SUBJECT: Recommendations for Eliminating Effects to
Endangered Plant Species from Flumetsulam

FROM: *fr* Anthony F. Maciorowski, Chief
Ecological Effects Branch

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TO: Frank Sanders, Chief
Fungicide/Herbicide Branch

The EEB has indicated to RD that using Flumetsulam on corn and soybeans may affect both nonendangered and endangered plant species. RD has asked EEB to identify options of registration that may eliminate this may effect situation to endangered species.

The first option, that of not registering flumetsulam, would provide the greatest certainty that endangered plant species would not be affected by flumetsulam. In the 7-16-93 meeting between FHB and EEB, FHB indicated that this option was considered the least desirable to FHB and asked for further options.

The second option would be to grant a registration that avoids use in counties where endangered plant species occur. The EEB is prepared to provide a list of those counties if RD wants to investigate this course of action further. This was, also considered undesirable by FHB and further options were sought.

The third, and least desirable from the standpoint of protecting the endangered species is to grant conditional registration with labeling to protect the endangered species at risk.

The EEB suggests the following labeling restrictions and requests for information that should be imposed if RD conditionally registers Flumetsulam for use on cotton and corn.

1. Application methods/equipment for ground application should be required that reduce potential off-site movement via drift.



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2. Impose a 1/4 mile buffer zone from potential endangered plant species habitat to encompass:

a. native vegetation (species that are native to this country, nonagricultural, and uncultivated)

b. moist areas/aquatic sites (areas where soil is moistened through seepage, swamps, bogs, stream-, river-, and lake-banks, lowland woods that are obviously moist year-round, and prairie potholes).

3. Classification as Restricted Use based on the fact that potential effects to endangered plant species warrant specialized instructions/methods for application that are not typically done by untrained users. Potential for misuse is greater because equipment and methods are unfamiliar to untrained user. This misuse could result in adverse effects to endangered plant species.

4. Develop information on locations of endangered plant species relative to where corn and soybeans are grown.

5. Agree to future mitigation measures (such as buffers and site specific prohibitions of use) developed from more detailed endangered plant species location information.

6. Educational program to inform users of endangered plant species concerns, possibly labeling specifically and clearly identifying the ecological risks for use of flumetsulam.

7. Provide additional test results derived from non-guideline plant protection studies. The nature of these studies is provided in EEB review dated 6-21-93.

The measures to reduce exposure to endangered species, if accepted, will reduce the potential for adverse affects to endangered species. They do not eliminate them. Recommendations 1, 2 and 3 are considered essential for protecting endangered plant species. Numbers 4 and 5 are essential for the long term effort to provide a higher level of certainty that protection was afforded. Number 6 would be helpful, but does not provide any assurance of protection. Number 7 is unrelated to the endangered species problem, but would allow EEB to generate a risk assessment in which greater confidence could be placed.

If you have questions, please contact Dan Rieder.